

Robert F. McCauley (SBN 162056)
robert.mccauley@finnegan.com
Erik R. Puknys (SBN 190926)
erik.puknys@finnegan.com
Jacob A. Schroeder (SBN 264717)
jacob.schroeder@finnegan.com
Jeffrey D. Smyth (SBN 280665)
jeffrey.smyth@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
3300 Hillview Avenue
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Arpita Bhattacharyya (*pro hac vice* pending)
arpita.bhattacharyya@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
Two Seaport Lane, 6th Floor
Boston, MA 02210-2001
Telephone: (617) 646-1600
Facsimile: (617) 646-1666

Attorneys for Plaintiff
ASETEK DANMARK A/S

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASETEK DANMARK A/S,

Plaintiff,

v.

NEWEGG INC., NEWEGG NORTH AMERICA
INC.

Defendants.

CASE NO.

**COMPLAINT FOR WILLFUL
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Asetek Danmark A/S (“Asetek”), through its undersigned attorneys, alleges the
2 following for its Complaint against Newegg Inc. and Newegg North America Inc. (collectively,
3 “Newegg”):

4 **NATURE OF ACTION**

5 1. This Complaint seeks judgment that Newegg has infringed and continues to infringe
6 Asetek’s U.S. Patent Nos. 8,240,362 (“the ’362 patent”) and 8,245,764 (“the ’764 patent”) (together
7 the “Patents-in-Suit”).

8 2. This is an action for patent infringement under the patent laws of the United States,
9 Title 35, United States Code.

10 3. The Patents-in-Suit both relate to cooling systems and methods of using same for
11 cooling a computer system. A true and accurate copy of the ’362 patent is attached hereto as Exhibit
12 A. A true and accurate copy of the ’764 patent is attached hereto as Exhibit B.

13 **THE PARTIES**

14 4. Asetek Danmark A/S is a corporation organized under the laws of Denmark with its
15 principal place of business at Assensvej 2, DK-9220 Aalborg East, Denmark.

16 5. Upon information and belief, Newegg Inc. is a Delaware corporation with its
17 principal place of business in California. Newegg Inc. owns and operates www.newegg.com, as
18 stated in a Newegg press release obtained from www.newegg.com and attached hereto as Exhibit C
19 [<http://www.newegg.com/Info/NewsroomDetail.aspx?ID=1062&Type=3>].

20 6. Upon information and belief, Newegg North America Inc. is a Delaware corporation
21 with its principal place of business in California. Newegg North America Inc. is affiliated with
22 Newegg Inc., and conducts and is responsible for Newegg’s North America Operations as stated in a
23 Newegg press release obtained from www.newegg.com and attached hereto as Exhibit C.

24 **JURISDICTION AND VENUE**

25 7. This is an action for patent infringement arising under the United States Patent Laws,
26 35 U.S.C. § 100 et seq. Subject matter jurisdiction is proper under 28 U.S.C. §§ 1331 and 1338(a).

27 8. This Court has personal jurisdiction over Newegg. On information and belief,
28 Newegg has conducted and does conduct business within the State of California, and its corporate

1 headquarters are located in California. On information and belief, Newegg, directly or through
2 subsidiaries or intermediaries, offers for sale, sells, imports and induces offers for sale, sales, and
3 imports of infringing products in the United States, the State of California, and the Northern District
4 of California. On information and belief, these infringing products have been, and continue to be,
5 purchased and used by consumers in the Northern District of California. On information and belief,
6 Newegg has committed acts of infringement of the Patents-in-Suit within the State of California and,
7 more particularly, within the Northern District of California.

8 9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

9 **FACTUAL BACKGROUND**

10 10. Asetek is the global leader in liquid cooling solutions for data centers, servers and
11 PCs. Asetek's server products enable OEMs to offer cost effective, high performance liquid cooling
12 data center solutions. Its PC products are targeted at the gaming and high performance desktop PC
13 segments. With over 3.5 million liquid cooling units deployed, Asetek's patented technology is
14 being adopted by a growing portfolio of OEMs and channel partners. Asetek's business is focused
15 entirely on developing and selling liquid cooling products. The company has invested many
16 millions of dollars in developing, designing, and selling its revolutionary liquid cooling solutions.
17 Asetek's '362 and '764 patents protect many of the company's fundamental discoveries and
18 achievements in liquid cooling.

19 **This Court Has Ruled That the Products Being Sold by Newegg Infringe Asetek's** 20 **Patents**

21 11. On January 31, 2013, Asetek sued Cooler Master Co., Ltd. ("Cooler Master Taiwan")
22 and Cooler Master USA, Inc. which later changed its name to CMI ("CMI") in this District for
23 unlawfully importing, offering to sell, and selling in the United States products that infringe the
24 patents-in-suit, such as Cooler Master-branded Seidon products.

25 12. Specifically, Asetek's complaint against Cooler Master Taiwan and CMI alleged that
26 infringing products were being promoted and sold in the United States through websites such as
27 Newegg.com.
28

13. At trial, CMI did not contest that its products infringed claims 1-15, 17, and 18 of Asetek's '764 patent and, on December 17, 2014, a jury found that Cooler Master-branded products also infringed claims 14, 15, and 17-19 of Asetek's '362 patent. Specifically, the jury found that the Cooler Master Seidon (Seidon 120M, 120XL, and 240M), Seidon 120V, Nepton (Nepton 140XL and 280L), and Glacier 240L products (collectively, the "Infringing Products") infringed Asetek's '362 patent. The jury also rejected all of the asserted invalidity defenses.

14. On September 22, 2015, Judge Tigar denied CMI's post-trial motions and issued a permanent injunction which enjoined CMI, and anybody in active concert therewith (including Cooler Master Taiwan), "from making, using, offering for sale or selling in the United States, or importing into the United States, or causing to be made, used, offered for sale, or sold in the United States, or imported into the United States, the Infringing Products."

15. On October 19, 2015, Judge Tigar entered final judgment that the Infringing Products infringed Asetek's '362 and '764 patents. CMI appealed various issues to the Court of Appeals for the Federal Circuit, including validity and infringement. On December 6, 2016, the Federal Circuit issued its ruling affirming the district court on, among other things, the issues of validity and infringement appealed by CMI.

Newegg Ignored Two Cease and Desist Letters from Asetek

16. After Judge Tigar entered judgment and issued an injunction against CMI, counsel for Asetek sent letters to retailers and websites that were continuing to sell the infringing products after issuance of the judgment and injunction, including Newegg.

17. In an October 2015 letter, counsel for Asetek informed Messrs. Fred Chang, Bob Bellack, and Lee Cheng of Newegg that (1) Cooler Master's Infringing Products were found to infringe Asetek's '362 and '764 patents; (2) Judge Tigar had enjoined the sales of those products in the United States; (3) the Infringing Products were offered for sale on Newegg.com; and (4) Asetek requested that Newegg cease and desist from selling Cooler Master's Infringing Products. The letter also identified other products available on Newegg.com, such as Giga-Byte's GEFORCE GTX 980 Water Force (sold under at least model number GV-N980WAOC-4GD) which includes an infringing Cooler Master product. Asetek concluded by "ask[ing] that Newegg cease all sales of the infringing

1 Cooler Master . . . products in the U.S., remove all listings of the above-listed products from your
 2 website accessible in the U.S., and cease importing infringing products into the U.S.” Newegg has
 3 been aware of the patents-in-suit and its infringing conduct since at least October 28, 2015, when it
 4 received this cease-and-desist letter from Asetek’s counsel dated October 23, 2015. A true and
 5 accurate copy of this letter is attached hereto as Exhibit D.

6 18. After receiving no response from Newegg, counsel for Asetek sent a second cease-
 7 and-desist letter on November 25, 2015. As explained in this letter, “[a] review of Newegg’s
 8 website reveals that as of this date, Newegg continues to offer for sale and sell in the United States
 9 products covered by the injunction and that infringe the ’362 and ’764 patents.” In addition to the
 10 Infringing Products previously identified, Asetek also identified other infringing products, such as
 11 Cooler Master Nepton 120XL, Cooler Master Nepton 240M, AMD FX-9590 Black Edition Vishera
 12 (which contains a Cooler Master Seidon 120M), Giga-Byte GEFORCE GTX 980 with Water Force
 13 (which contains a Cooler Master Seidon 120M), and AMD Radeon R9 Fury X products. Asetek
 14 concluded by “demand[ing] that Newegg cease all sales and offers for sale of the infringing products
 15 in the U.S., remove all listings of the products from your website accessible in the U.S., and cease
 16 importing infringing products into the U.S.” A true and accurate copy of this letter is attached hereto
 17 as Exhibit E.

18 19. Asetek’s letters to Newegg were met with silence and many of the identified products
 19 remain available for purchase on www.newegg.com for shipment to the United States.

20 20. Upon information and belief, the following infringing products are available for
 21 purchase through www.newegg.com:

- 22 • Seidon 120M, Seidon 120XL, Seidon 120V
- 23 • Nepton 120XL, Nepton 140XL, Nepton 240M, Nepton 280L
- 24 • EVGA GeForce GTX 980TI, EVGA GeForce GTX 1080 FTW
- 25 • GigaByte GeForce GTX 1080

26 (collectively, with the Infringing Products, “Newegg Infringing Products”).
 27
 28

21. For example, the below screenshots of www.newegg.com were taken on November 10, 2016, showing that the Newegg Infringing Products are available for purchase from the United States through www.newegg.com:

The screenshot displays the Newegg website interface. At the top, the Newegg logo is on the left, and navigation links for 'Log in or Register', 'Try', '0 Items', 'Wish List', and 'Customer Service' are on the right. Below the header, there are tabs for 'ALL PRODUCTS', 'DEALS & SERVICES', and 'FEATURED SELLERS'. A search bar is present with the placeholder text 'Keywords, Model # or Item #'. The breadcrumb trail indicates the product's location: 'Home > Components > Fans & PC Cooling > Water / Liquid Cooling > Cooler Master > Item#: 9S1A6J33291639'. The product title is 'Cooler Master Seidon 120M - All-In-One CPU Liquid Water Cooling System with 120mm Radiator and Fan'. The price is listed as '\$100.79', with a 'Save: \$59.20 (37%)' from the original price of '\$159.99'. The product is sold and shipped by 'HQmade'. The specifications listed are: '600 - 2400 RPM (PWM) +/- 10%', '19.17 - 86.15 CFM +/- 10%', and 'Fan Noise 19 - 40 dBA'. The product is available in three variants: '120M', '120V', and '120XL'. The '120M' variant is selected. The page also shows a 'FREE SHIPPING AVAILABLE' badge, a '1 Year Replacement Extension Plan' for '\$14.00', and a 'Best Service Sellers' section featuring 'Corn Electronics' with a 'VIEW DETAILS' button.

newegg

Log in or Register Try 0 Items Wish List Customer Service

VR CENTRAL newegg Business FEEDBACK

ALL PRODUCTS DEALS & SERVICES FEATURED SELLERS Keywords, Model # or Item # Search all SEARCH

Home > Components > Fans & PC Cooling > CPU Fans & Heatsinks > Cooler Master > Item#: 95IA85B4TY7896

Extended Holiday Returns [Learn More](#)

Cooler Master Seidon 120XL - PC CPU Liquid Water Cooling System, Push-Pull Kit with 120mm Radiator and 2 Fans

Be the first to review this product... SHARE

In stock. Ships from China. Most customers receive within 6-10 days.

Sold and Shipped by 3D Electronics

First From ASIA™

\$236.⁰⁶

\$5.99 Shipping (restrictions apply)

Sold and Shipped by: 3D Electronics

1 Year Replacement Extension Plan (more options) \$25.00

1 ADD TO CART

ADD TO COMPARE PRICE ALERT

ADD TO WISH LIST

EXCLUSIVE MILITARY OFFER **SAVE 10%**

newegg

Log in or Register Try 0 Items Wish List Customer Service

VR CENTRAL newegg Business FEEDBACK

ALL PRODUCTS DEALS & SERVICES FEATURED SELLERS 95IA4RE4Y37908 Search all SEARCH

Home > Components > Fans & PC Cooling > Water / Liquid Cooling > Cooler Master > Item#: 95IA4RE4Y37908

Extended Holiday Returns [Learn More](#)

Cooler Master Seidon 120V - Compact All-In-One CPU Liquid Water Cooling System with 120mm Radiator and Fan

Limited time offer, while supplies last by Corn Electronics

Write a Review See 88 Questions | 438 Answers SHARE

In stock. Limit 20 per customer. Ships from China. Most customers receive within 4-18 days.

Sold and Shipped by Corn Electronics

First From ASIA™

Series: Seidon 120V

120M 120V 120XL

- 600 - 2400 RPM (PWM) +/- 10% 19.17 - 86.15 CFM +/- 10%
- Fan Dim. 120 x 120 x 25mm
- Fan Noise 19 - 40 dBA

2 New from \$78.99

★ FREE SHIPPING AVAILABLE

price match guarantee

~~\$129.99~~

\$79.99

Sale Ends in 3 Days (Sat)

Saver: \$50.00 (38%)

5.00x - ~~equivalent~~ UP TO +400

Sold and Shipped by: Corn Electronics

3 Years for the Price of 2 Years \$14.00 (more options)

1 ADD TO CART

ADD TO COMPARE PRICE ALERT

ADD TO WISH LIST

Best Service Sellers

HQmade [VIEW DETAILS](#)

newegg

Log in or Register Try 0 Items Wish List Customer Service

VR CENTRAL newegg Business FEEDBACK

ALL PRODUCTS DEALS & SERVICES FEATURED SELLERS 95IA6J33YX3327 Search all SEARCH

Home > Components > Fans & PC Cooling > CPU Fans & Heatsinks > Cooler Master > Item#: 95IA6J33YX3327

Extended Holiday Returns [Learn More](#)

Cooler Master Nepton 120XL CPU Water Cooling System, All-In-One Kit with 120mm Radiator and 2 Silencio Fans RL-N12X-24PK-R2

★★★★★ (1) Write a Review Ask Or Answer A Question SHARE

In stock. Ships from Hong Kong. Most customers receive within 4-18 days.
Sold and Shipped by HQmade

First From ASIA™ (Hong Kong)

2 New from \$145.39

FREE SHIPPING AVAILABLE

\$199.99
\$145.39
Save: \$54.60 (27%)

Volume Discounts Available
4+ \$144.99 ea.

Sold and Shipped by:
HQmade

3 Years for the Price of 2 Years \$20.00
(more options)

1 ADD TO CART

This product is available at a lower price from other sellers.

ADD TO COMPARE PRICE ALERT
ADD TO WISH LIST

newegg

Log in or Register Try 0 Items Wish List Customer Service

VR CENTRAL newegg Business FEEDBACK

ALL PRODUCTS DEALS & SERVICES FEATURED SELLERS Keywords, Model # or Item # Search all SEARCH

Home > Components > Fans & PC Cooling > Water / Liquid Cooling > Cooler Master > Item#: 95IA4RE4AF2504

Extended Holiday Returns [Learn More](#)

Cooler Master Nepton 140XL - Push-Pull CPU Liquid Water Cooling System with 140mm Radiator and 2 JetFlo Fans

★★★★★ (54) Write a Review See 22 Questions | 103 Answers SHARE

In stock. Ships from United States.
Sold by Com Electronics and Shipped by Newegg

First From ASIA™

Series: Nepton 140XL

120XL 140XL 240M 280L

- Zero maintenance design
- CM designed pump
- Thick FEP Tubing
- Dual JetFlo 140 fans
- Unique LED glow for logo

FREE SHIPPING AVAILABLE

REMIER - FREE 3 DAY or faster shipping

Sold by:
Com Electronics

Shipped by:
Newegg

1 Year Replacement Extension Plan
(more options) \$14.00

1 ADD TO CART

ADD TO COMPARE PRICE ALERT
ADD TO WISH LIST

Fortify Your Network

newegg

Log in or Register Try 0 Items Wish List Customer Service

VR CENTRAL newegg Business FEEDBACK

ALL PRODUCTS DEALS & SERVICES FEATURED SELLERS 95IA6J34148042 Search all SEARCH

Home > Components > Fans & PC Cooling > Water / Liquid Cooling > Cooler Master > Item#: 95IA6J34148042

Extended Holiday Returns [Learn More](#)

Cooler Master Nepton 240M - CPU Water Cooling System, All-In-One Kit with 240mm Radiator and 2 Silencio Fans

★★★★★ (24) Write a Review See 26 Questions | 78 Answers SHARE

In stock. Ships from Hong Kong. Most customers receive within 4-18 days.
Sold and Shipped by HQmade

First From ASIA™ (Hong Kong)

Series: Nepton 240M

120XL	140XL	240M	280L
-------	-------	------	------

- Dual 120mm Silencio Fans (High Air Pressure, Low Noise Output)
- Exclusive Waterblock Design with Large Skived Fin Area
- Exclusive Pump Design with Enhanced Motor
- High Waterflow FEP Tubing

3 New from \$188.25

★ FREE SHIPPING AVAILABLE

~~\$299.99~~
\$188.25
Save: \$111.74 (37%)

Volume Discounts Available

4+ \$187.49 ea.

Sold and Shipped by:
HQmade

3 Years for the Price of 2 Years (more options)

1 ADD TO CART

This product is available at a lower price from other sellers.

ADD TO COMPARE PRICE ALERT

ADD TO WISH LIST

newegg

Log in or Register Try 0 Items Wish List Customer Service

VR CENTRAL newegg Business FEEDBACK

ALL PRODUCTS DEALS & SERVICES FEATURED SELLERS 95IA6J34148006 Search all SEARCH

Home > Components > Fans & PC Cooling > Water / Liquid Cooling > Cooler Master > Item#: 95IA6J34148006

Extended Holiday Returns [Learn More](#)

Cooler Master Nepton 280L - All-In-One CPU Liquid Water Cooling System with 280mm Radiator and 2 JetFlo Fans

★★★★★ (75) Write a Review See 53 Questions | 179 Answers SHARE

In stock. Ships from Hong Kong. Most customers receive within 4-18 days.
Sold and Shipped by HQmade

First From ASIA™ (Hong Kong)

Series: Nepton 280L

120XL	140XL	240M	280L
-------	-------	------	------

- Zero maintenance design
- CM designed pump
- Thick FEP Tubing
- Dual JetFlo 140 fans
- Unique LED glow for logo

2 New from \$183.29

★ FREE SHIPPING AVAILABLE

~~\$299.99~~
\$183.29
Save: \$116.70 (39%)

Volume Discounts Available

4+ \$182.69 ea.

Sold and Shipped by:
HQmade

3 Years for the Price of 2 Years (more options)

1 ADD TO CART

This product is available at a lower price from other sellers.

ADD TO COMPARE PRICE ALERT

ADD TO WISH LIST

newegg

Log in or Register Try 0 Items Wish List Customer Service

VR CENTRAL newegg Business FEEDBACK

ALL PRODUCTS DEALS & SERVICES FEATURED SELLERS N82E16814487144 Search all SEARCH

Home > Components > Video Cards & Video Devices > Desktop Graphics Cards > EVGA > Item#: N82E16814487144

Extended Holiday Returns [Learn More](#)

EVGA

EVGA GeForce GTX 980 Ti 06G-P4-1996-KR 6GB HYBRID GAMING, "All in One" No Hassle Water Cooling, Just Plug and Play Graphics Card

HYBRID Cooling, Reduced GPU Temps

★★★★★ (124) Write a Review See 49 Questions | 214 Answers SHARE

In stock, Ships from United States.

Sold and Shipped by Newegg

Option: GTX 980 Ti Hybrid

GTX 980 Ti GTX 980 Ti FTW ACX 2.0+

GTX 980 Ti Hybrid

GTX 980 Ti Ref Classified ACX 2.0+ w/ BP

GTX 980 Ti SC+ ACX 2.0+ w/ BP GTX 980 Ti VR Edition

★ FREE SHIPPING AVAILABLE

\$999.99

\$773.99

Save: \$40.00 (5%)

PREMIER - FREE 3 DAY or faster shipping

Sold and Shipped by: Newegg

1 Year Extended Coverage Plan \$40.00 (more options)

1 ADD TO CART

ADD TO COMPARE PRICE ALERT

ADD TO WISH LIST

Best Service Sellers

OutletPC \$803.98 + FREE SHIPPING AVAILABLE VIEW DETAILS

newegg

Log in or Register Try 0 Items Wish List Customer Service

VR CENTRAL newegg Business FEEDBACK

ALL PRODUCTS DEALS & SERVICES FEATURED SELLERS Keywords, Model # or Item # Search all SEARCH

Home > Components > Video Cards & Video Devices > Desktop Graphics Cards > EVGA > Item#: N82E16814487266

Extended Holiday Returns [Learn More](#)

EVGA

EVGA GeForce GTX 1080 FTW HYBRID GAMING, 08G-P4-6288-KR, 8GB GDDR5X, RGB LED, All-In-One Watercooling with 10CM FAN, 10 Power Phases, Double BIOS, DX12 OSD Support (PXOC)

Free Exclusive Precision XOC to Overclock 1080 GPU

★★★★★ (7) Write a Review See 6 Questions | 23 Answers SHARE

In stock, Limit 2 per customer. Ships from United States.

Sold and Shipped by Newegg

Option: GTX 1080 FTW Hybrid

GTX 1080 Blower GTX 1080 Founders Edition

GTX 1080 FTW ACX3.0 GTX 1080 FTW DT ACX3.0

GTX 1080 FTW Hybrid GTX 1080 SC ACX3.0

★ FREE SHIPPING AVAILABLE

\$729.99

PREMIER - FREE 3 DAY or faster shipping

Sold and Shipped by: Newegg

1 Year Extended Coverage Plan \$35.00 (more options)

1 ADD TO CART

ADD TO COMPARE PRICE ALERT

ADD TO WISH LIST

Best Service Sellers

Klick Online \$939.99 + FREE SHIPPING AVAILABLE VIEW DETAILS

The screenshot shows the Newegg website interface. At the top, there's a navigation bar with the Newegg logo, login/register links, and a shopping cart. Below this is a search bar and category links. The main content area displays the product page for the GIGABYTE GeForce GTX 1080. The product image shows a black and silver video card with a large cooling fan. The title is 'GIGABYTE GeForce GTX 1080 DirectX 12 GV-N1080XTREME W-8GD 8GB 256-Bit GDDR5X PCI Express 3.0 x16 ATX Xtreme Gaming Water cooling Video Card'. The price is \$769.99. There are several 'Special Offers' listed, including a free game (Gears of War 4) and a free gift (NVIDIA Gift). The page also shows a 'VR READY' badge and a 'SHOPRUNNER' badge.

COUNT I: WILLFUL INFRINGEMENT OF U.S. PATENT NO. 8,240,362

22. Asetek incorporates by reference each and every allegation set forth in paragraphs 1 through 21 of its Complaint as if fully set forth and restated herein.

23. The '362 patent entitled "Cooling System for a Computer System" was duly and legally issued by the United States Patent and Trademark Office ("PTO") on August 14, 2012. Asetek is the sole and exclusive owner of the '362 patent.

24. Newegg, without authority and consent of Asetek, has been and continues to import, offer to sell, and sell in the United States products that infringe claims 14, 15, and 17-19 of the '362 patent, including but not limited to the Newegg Infringing Products. Newegg has directly infringed and continues to directly infringe the '362 patent.

25. For example, the Infringing Products (Cooler Master's Seidon (Seidon 120M, 120XL, and 240M), Seidon 120V, Nepton (Nepton 140XL and 280L), and Glacier 240L products) were already found by this Court to infringe claims 14, 15, and 17-19 of the '362 patent.

1 26. Moreover, upon information and belief, the Nepton 120XL, Nepton 240M, EVGA
2 GeForce GTX 980TI, EVGA GeForce GTX 1080 FTW, and GigaByte GeForce GTX 1080 infringe
3 claims 14, 15, and 17-19 of the '362 patent for the same reasons. Specifically, upon information and
4 belief, each of these products either (a) contains one or more of the Infringing Products or (b) is a
5 new liquid-cooling product which infringes for similar reasons to those established at trial with
6 respect to the Infringing Products.

7 27. At least as of October 28, 2015, Newegg has had knowledge of the '362 patent and,
8 upon information and belief, has induced and continues to induce direct infringement of the '362
9 patent by aiding and abetting infringement by merchants and customers in the United States,
10 including but not limited to merchants and customers of the Newegg Infringing Products. Newegg
11 has intentionally taken action that has actually induced and continues to induce direct infringement
12 by merchants and customers in the United States, and has known that the acts have been and are
13 causing infringement of the '362 patent. These acts include, but are not limited to, making available
14 for purchase and facilitating the sales and import of Newegg Infringing Products in the United States
15 through Newegg's online marketplace, www.newegg.com. Newegg is aware that third parties' (such
16 as merchants and customers) conduct in offering for sale, selling, and importing to the United States
17 the Newegg Infringing Products constitutes an infringement of the '362 patent and yet has continued
18 to induce the infringing conduct.

19 28. At least as of October 28, 2015, Newegg has had knowledge of the '362 patent and
20 has contributed and continues to contribute to direct infringement of the '362 patent by supplying an
21 important (material) component of the infringing products and method to customers in the United
22 States, including but not limited to the Newegg Infringing Products, which are not common
23 components suitable for non-infringing use. Newegg supplies the components with knowledge of
24 the '362 patent and knowledge that the components were especially made or adapted for use in an
25 infringing manner, and that customers and end users directly infringe the '362 patent in the United
26 States.

27 29. Newegg's infringement of the '362 patent has been and continues to be egregious and
28 willful, and has caused and continues to cause damage and irreparable harm to Asetek. Even though

1 Asetek informed Newegg of its unlawful conduct at least as early as October 2015, which included
 2 this Court's order enjoining the sales of infringing products, Newegg continues to permit the
 3 unlawful offers for sale, sales, and imports in the United States of products held by this Court to
 4 infringe the '362 patent.

5 **COUNT II: WILLFUL INFRINGEMENT OF U.S. PATENT NO. 8,245,764**

6 30. Asetek incorporates by reference each and every allegation set forth in paragraphs 1
 7 through 29 of its Complaint as if fully set forth and restated herein.

8 31. The '764 patent entitled "Cooling System for a Computer System" was duly and
 9 legally issued by the United States Patent and Trademark Office ("PTO") on August 21, 2012.
 10 Asetek is the sole and exclusive owner of the '764 patent.

11 32. Newegg, without authority and consent of Asetek, has been and continues to import,
 12 offer to sell, and sell in the United States products that infringe claims 1-15, 17, and 18 of the '764
 13 patent, including but not limited to the Newegg Infringing Products. Newegg has directly infringed
 14 and continues to directly infringe the '764 patent.

15 33. For example, CMI did not dispute that the Infringing Products (Cooler Master's
 16 Seidon (Seidon 120M, 120XL, and 240M), Seidon 120V, Nepton (Nepton 140XL and 280L), and
 17 Glacier 240L products) infringe claims 1-15, 17, and 18 of the '764 patent.

18 34. Moreover, upon information and belief, the Nepton 120XL, Nepton 240M, EVGA
 19 GeForce GTX 980TI, EVGA GeForce GTX 1080 FTW, and GigaByte GeForce GTX 1080 infringe
 20 claims 1-15, 17, and 18 of the '764 patent for the same reasons. Specifically, upon information and
 21 belief, each of these products either (a) contains one or more of the Infringing Products or (b) is a
 22 new liquid-cooling product which infringes for similar reasons with respect to the Infringing
 23 Products.

24 35. At least as of October 28, 2015, Newegg has had knowledge of the '764 patent and,
 25 upon information and belief, has induced and continues to induce direct infringement of the '764
 26 patent by aiding and abetting infringement by merchants and customers in the United States,
 27 including but not limited to merchants and customers of the Newegg Infringing Products. Newegg
 28 has intentionally taken action that has actually induced and continues to induce direct infringement

1 by merchants and customers in the United States, and has known that the acts have been and are
2 causing infringement of the '764 patent. These acts include, but are not limited to, making available
3 for purchase and facilitating the sales and import of Newegg Infringing Products in the United States
4 through Newegg's online marketplace, Newegg.com. Newegg is aware that third party's (such as
5 merchants and customers) conduct in offering for sale, selling, and importing to the United States the
6 Newegg Infringing Products constitutes an infringement of the '764 patent and yet has continued to
7 induce the infringing conduct.

8 36. At least as of October 28, 2015, Newegg has had knowledge of the '764 patent and
9 has contributed and continues to contribute to direct infringement of the '764 patent by supplying an
10 important (material) component of the infringing products and method to customers in the United
11 States, including but not limited to the Newegg Infringing Products, which are not common
12 components suitable for non-infringing use. Newegg supplies the components with knowledge of
13 the '764 patent and knowledge that the components were especially made or adapted for use in an
14 infringing manner, and that customers and end users directly infringe the '764 patent in the United
15 States.

16 37. Newegg's infringement of the '764 patent has been and continues to be egregious and
17 willful, and has caused and continues to cause damage and irreparable harm to Asetek. Even though
18 Asetek informed Newegg of its unlawful conduct at least as early as October 2015, which included
19 this Court's order enjoining the sales of infringing products, Newegg continues to permit the
20 unlawful offers for sale, sales, and import in the United States of products held by this Court to
21 infringe the '764 patent.

22 **PRAYER FOR RELIEF**

23 38. WHEREFORE, Asetek respectfully prays for the following relief:

24 a. A judgment that Newegg is liable for infringing (directly, contributorily, and
25 by inducement) the patents-in-suit;

26 b. An order preliminarily and permanently enjoining Newegg and their officers,
27 directors, employees, agents, licensees, representatives, affiliates, related companies, servants,
28

1 successors and assigns, and any and all persons acting in privity or in concert with any of them, from
2 further infringing upon the patents-in-suit;

3 c. An award of all damages sufficient to fully compensate Asetek for past
4 infringement, up until entry of the final judgment, by Newegg under 35 U.S.C. § 284;

5 d. Enhancement of damages under 35 U.S.C. § 284;

6 e. A judgment requiring Newegg to pay Asetek's pre-judgment and post-
7 judgment interest on the damages awarded; and,

8 f. An award of attorney fees under 35 U.S.C. § 285.

9 **JURY DEMAND**

10 39. Asetek requests a trial by jury on all issues so triable.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Dated: December 9, 2016

Respectfully submitted,

2 FINNEGAN, HENDERSON, FARABOW,
3 GARRETT & DUNNER, LLP

4 By: /s/ Robert F. McCauley

Robert F. McCauley (SBN 162056)

robert.mccauley@finnegan.com

Erik R. Puknys (190926)

erik.puknys@finnegan.com

Jacob A. Schroeder (SBN 264717)

jacob.schroeder@finnegan.com

Jeffrey D. Smyth (SBN 280665)

jeffrey.smyth@finnegan.com

5 FINNEGAN, HENDERSON, FARABOW,
6 GARRETT & DUNNER, LLP

3300 Hillview Avenue

7 Palo Alto, California 94304

Telephone: (650) 849-6600

8 Facsimile: (650) 849-6666

12 Arpita Bhattacharyya (*pro hac vice pending*)

arpita.bhattacharyya@finnegan.com

13 FINNEGAN, HENDERSON, FARABOW,

14 GARRETT & DUNNER, LLP

Two Seaport Lane, 6th Floor

Boston, MA 02210-2001

15 Telephone: (617) 646-1600

16 Facsimile: (617) 646-1666

17 Attorneys for Plaintiff

ASETEK DANMARK A/S